

OCT. 24. 2003 3:27PM

DINSMORE  
& SHOHL LLP

NO. 0173 P. 1

**FACSIMILE TRANSMITTAL**  
October 24, 2003

*from* **MARTIN J. MILLER, ESQ.**

Direct: 513-977-8565 / Fax: 513-977-8141 / martin.miller@dinslaw.com

**To:** Mr. Larry Schwartz  
**Firm:** U.S. Patent and Trademark Office  
**Fax Number:** 703-872-9301  
**Client Number:** 24278-1  
**Pages:** 13  
**(including cover)**  
**Comments:** Re: U.S.S.N. 09/436515

**RECEIVED**

OCT 24 2003

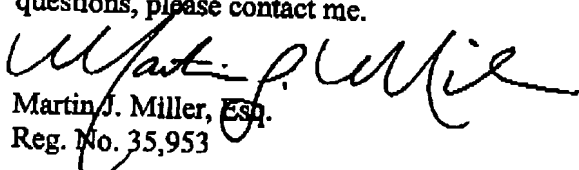
3 28

**Group 3700**

Mr. Schwartz,

Per your discussion with Laurie Shirk today, transmitted herewith is a true copy of papers submitted on September 18, 2003. Receipt by the U.S. Patent Office is evidenced by the stamped postcard dated September 22, 2003.

As the issue fee is due on October 29, 2003, your assistance in expediting the processing of the amendment will be appreciated. If you have any questions, please contact me.

  
Martin J. Miller, Esq.  
Reg. No. 35,953

If there are any problems in receiving this transmission, please call the fax room at (513) 977-8483 immediately. Thank you.

**Notice**

*This message is intended only for the use of the individuals or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this notice in error, please notify us immediately by telephone and return these papers to us at the address below via first class mail.*

Cincinnati • 1900 Chemed Center • 255 East Fifth Street • Cincinnati, OH 45202 • Phone: (513) 977-8200

Received from < > at 10/24/03 3:28:33 PM [Eastern Daylight Time]

Serial No. 09/436,515  
Inventor: Jack B. Stubbs et al.  
Title: Exercise Monitoring System and Methods  
Enclosures: Amendment Transmittal; Amendment and  
Response under 37 CFR § 1.312; Change of Correspondence  
Address Form; and Return Receipt Postcard

Martin J. Miller 24278-1 September 18, 2003

Please place the official stamp of the Patent and Trademark Office on this card and return it to us  
for our files to constitute an acknowledgement by the PTO of receipt on the date stamped of the  
above identified paper.

Serial No. 09/436,515  
Inventor: Jack B. Stubbs et al.  
Title: Exercise Monitoring System and Methods  
Enclosures: Amendment Transmittal; Amendment and  
Response under 37 CFR § 1.312; Change of Correspondence  
Address Form; and Return Receipt Postcard

Martin J. Miller 24278-1 September 18, 2003



Please place the official stamp of the Patent and Trademark Office on this card and return it to us  
for our files to constitute an acknowledgement by the PTO of receipt on the date stamped of the  
above identified paper.

Docket No: 24278-1

**CERTIFICATE OF MAILING****PATENT**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on September 18, 2003.

*Stephanle Bericpsch*  
Stephanle Bericpsch

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Jack B. Stubbs et al.

Serial No.: 09/436,515

Group Art Unit: 3764

Filed: November 9, 1999

Examiner: G. E. Richman

For: Exercise Monitoring System and Methods

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

[ ] additional fee is required.

[x] also attached: Change of Correspondence Address Form and Return Receipt Postcard

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUS PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	31	57	0	x \$9 =	\$
Independent Claims	2	9	0	x \$42 =	\$
If multiple claims newly presented, add \$135.00					-----
Month Extension Fee					\$
Information Disclosure Statement					\$000.00
<b>TOTAL FEE DUE</b>					<b>\$</b>

[ ] A check in the amount of \$ is enclosed.

[ ] Please charge my Deposit Account No. 04-1133 in the amount of \$.

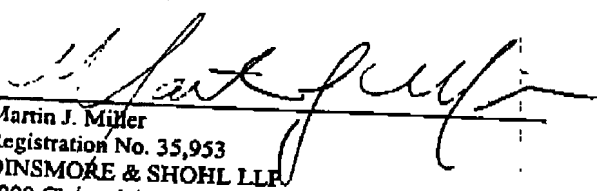
[x] The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment, to Deposit Account No. 04-1133, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

OCT. 24. 2003 3:28PM

NO. 0173 P. 4

Respectfully submitted,

By:

  
Martin J. Miller  
Registration No. 35,953  
DINSMORE & SHOHL LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8565  
Date: September 18, 2003

943305\_1